

The Honorable Barbara J. Rothstein

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

T.S.,

Plaintiff,

v.

TOTE Services, LLC,

Defendant.

No. 2:21-cv-00520-BJR

JOINT STATUS REPORT AND
DISCOVERY PLAN

Plaintiff T.S. and Defendant TOTE Services, LLC, submit this Joint Status Report and Discovery Plan pursuant to Federal Rule of Civil Procedure 26(f) and the Court's April 20, 2021 Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt. 12). Plaintiff T.S. and Defendant TOTE Services, LLC, by and through their attorneys of record, submit this Joint Status Report and Discovery Plan.

1. Nature and Complexity of Case

This is an action filed by T.S. alleging claims under the Washington Law Against Discrimination for discrimination on the basis of her sex and sexual orientation, harassment, intentional infliction of emotional distress, negligent infliction of emotional distress, and constructive discharge. She also alleges a general claim for "Maintenance and Cure." Defendant denies all claims. Defendant believes this case was brought in the wrong forum based on conflict of laws; the remaining allegations and defenses in this case are fairly straightforward.

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2. Deadline for Joinder of Additional Parties

The parties do not anticipate joinder of any other parties in this action. The parties agree that a reasonable deadline for joinder is June 1, 2021.

3. Consent to Assignment to Full Time United States Magistrate Judge

The parties do not consent to assignment of a United States Magistrate Judge.

4. Discovery Plan on Items in FRCP 26(f)(3)

A. Initial Disclosures

Initial disclosures will be exchanged no later than May 25, 2021 pursuant to the Court's Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement (Dkt. 12).

B. Subjects, Timing and Potential Phasing of Discovery

Defendant believes this case was brought in the wrong forum based on conflict of laws; the remaining allegations and defenses in this case are fairly straightforward. The parties do not require modification of the discovery limits set out by the Federal Rules. Special timing or potential phasing of discovery is likewise unnecessary.

C. Electronically Stored Information

The parties do not presently anticipate extensive discovery of ESI. The parties have reviewed the District's Model Agreement Regarding Discovery of Electronically Stored Information and may enter into the agreement with negotiated modifications if the need arises.

D. Privilege Issues

The parties do not presently anticipate any extraordinary or extensive claims of privilege or work product in this case.

E. Proposed Limitations on Discovery

The parties do not presently anticipate need for discovery limits beyond that set by the Federal Rules. If changes become necessary, the parties will "meet and confer" and present the matter for the court's consideration.

F. The Need for Any Discovery-Related Orders

The parties do not presently anticipate the need for any special discovery related orders.

5. Views, Proposals and Agreements on Items in Local Civil Rule 26(f)(1)

A. Prompt Case Resolution

The parties believe that settlement is a possibility and will consider it after initial discovery has occurred.

B. Alternative Dispute Resolution

The parties agree to cooperate in the scheduling of a mediation for the case after some limited discovery is completed. The parties will contact the Court's Alternative Dispute Resolution program if the parties do not agree on a private mediator.

C. Related Cases

The parties are not presently aware of any related cases pending in this or any other jurisdiction.

D. Discovery Management

The parties are not presently aware of any issues that may require special oversight or procedures by the court.

E. Anticipated Discovery Sought

The focus of discovery in this case will be on T.S. interactions with both Efren Ramos Sosa and Captain Kevin Stith. The parties anticipate taking the depositions of T.S., Captain Kevin Stith, and Efren Ramos Sosa. The focus of written discovery will include notes and other documents concerning T.S.'s and Efren Ramos Sosa's complaints about each other, investigation documents, Defendant's relevant policies and procedures, and T.S.'s damages.

F. Phasing Motions

The parties do not anticipate any need for phasing of motions.

G. Preservation of Discoverable Information

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1 The parties will comply with the rules of discovery regarding preservation of
2 discoverable information.

3 **H. Privilege Issues**

4 The parties do not presently anticipate any extraordinary or extensive claims of privilege
5 or work product in this case.

6 **I. Model Protocol for Discovery of ESI**

7 The parties do not presently anticipate extensive discovery of ESI. The parties have
8 reviewed the District's Model Agreement Regarding Discovery of Electronically Stored
9 Information and may enter into the agreement with negotiated modifications if the need arises.

10 **J. Alternatives to Model Protocol**

11 Please see item I, above

12 **6. The Date by which Discovery can be Completed**

13 The parties suggest a discovery completion deadline of February 3, 2022.

14 **7. Bifurcation**

15 The parties do not believe bifurcation of this case is necessary.

16 **8. Pretrial Statements/Order**

17 The parties believe that should this case proceed to trial, the pretrial statements and
18 pretrial order detailed in Local Civil Rules 16(e), (h), (i) and (k) and 16.1 should not be
19 dispensed and will be useful to the efficiency of planning and streamlining trial.

20 **9. Suggestions for Shortening or Simplifying Case**

21 The claims and defenses in this case are straightforward. No special procedures for the
22 shortening or simplification of the case are necessary.

23 **10. Date Case will be Ready for Trial**

24 The parties propose a trial readiness date of May 14, 2022.

25 **11. Whether Trial will be Jury or Non-jury**

26 Defendant filed a jury demand on May 7, 2021 (Dkt 14).

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12. Total Number of Trial Days

The parties presently believe that four days will be required for the completion of trial.

13. Trial Counsel Contact Information

A. Counsel for Plaintiff

Morgan Mentzer, WSBA #47483
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14. Trial Date Complications

Counsel is unavailable on the following dates:

August 1, 2021
August 20, 2021
August 24, 2021
September 10-15, 2021
October 6-8, 2021
October 20, 2021
November 8-26, 2021
February 16, 2022
May 23-27, 2022
June 13-14, 2022
October 19, 2022

15. Service on Defendant

Service on Defendant was effected on April 6, 2021. All parties have been served.

16. Scheduling Conference

The parties do not anticipate the need for a hearing prior to the entry of the scheduling order in this case.

17. Non-Governmental Parties

Defendant filed its corporate disclosure statement on February 25, 2021 pursuant to Federal Rule of Civil Procedure 7.1 and Local Rule 7 (Dkt 3).

DATED this 20th day of May, 2021.

DAVIS WRIGHT TREMAINE LLP
Attorneys for TOTE Services, LLC

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